

JP:SPN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

LUIS KELLY,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Derek Bergman, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Upon information and belief, on or about December 24, 2012, within the Eastern District of New York and elsewhere, defendant LUIS KELLY did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:¹

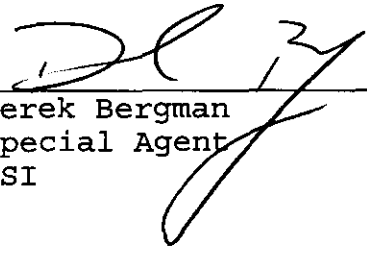
^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about December 24, 2012, LUIS KELLY arrived at John F. Kennedy International Airport ("J.F.K. Airport") in Queens, New York, aboard Jet Blue Flight 820 from Santo Domingo, Dominican Republic.

2. Defendant LUIS KELLY was selected for a Customs and Border Protection ("CBP") examination. The defendant presented one black, "Bungy Sport" bag for inspection. He stated that the bag and all of its contents belonged to him, and that he packed the bag himself. The defendant gave conflicting accounts of where he lived, then stated that he was going to visit a friend but was unable to provide the friend's address. Upon baggage examination, a CBP officer observed that three aerosol cans in the defendant's bag were unusually heavy. All three cans tested positive for liquid cocaine. Defendant LUIS KELLY was then placed under arrest.

3. The total approximate gross weight of the cocaine recovered is 1,127 grams.

WHEREFORE, your deponent respectfully requests that
defendant LUIS KELLY be dealt with according to law.



Derek Bergman
Special Agent
HSI

Sworn to before me this
2 January 2012